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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,015	01/21/2005	Franz Basler	66489-048-8	5201
25269	7590	04/21/2006	EXAMINER	
DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005			HAUPT, KRISTY A	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,015

Applicant(s)

BASLER, FRANZ

Examiner

Kristy A. Haupt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-7 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 8-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Examiner acknowledges Applicant's preliminary amendment filed 21 January 2005.

Specification

The abstract of the disclosure is objected to because the use of "said device" and "said workpiece". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basler et al. US 6,614,539 B1 in view of Park US 2003/0068079 A1 and Berlin et al. US 6,459,477 B1.

Basler teaches:

With respect to claim 1:

- A measuring device comprising means for measuring models for fabrication of dental fittings (Column 2, Lines 54-56 and Column 4, Lines 9-15)

With respect to claim 8 and incorporating all arguments of claim 1:

- Said measuring device forms a component of a machining device for the fabrication of dental fillings from a workpiece, which machining device has a workholding device for said workpiece, which workholding device is also adapted to accommodate a model to be mapped or possesses another workholding device for this purpose

Basler fails to explicitly teach:

With respect to claim 1:

- Involving the production of a three-dimensional data set as template for three-dimensional machining of a workpiece
- Means for measuring models characterized in that said measuring means are also adapted for the recognition of an identifier providing information on said workpiece

With respect to claim 6:

- Wherein software for the fabrication of the fitting is present and that said software is designed such that the information gained from the identifier will be taken into consideration for computation of the fitting to be fabricated and/or for the control of the machining device and/or will be used for documentation purposes

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With respect to claim 7:

- Wherein the identifier can be recognized by the measuring device as a bar code

However,

Park teaches:

With respect to claim 1:

- Involving the production of a three-dimensional data set as template for three-dimensional machining of a workpiece (Page 2, Paragraph 0017 and Page 7, Paragraph 0135)

However, Berlin teaches:

With respect to claim 1:

- A measuring device comprising means for measuring models characterized in that said measuring means are also adapted for the recognition of an identifier providing information on said workpiece (Column 3, Lines 55-57, Column 4, Lines 16-20, Column 5, Lines 29-44 and Column 6, Lines 27-56)

With respect to claim 6 and incorporating all arguments of claim 1:

- Wherein software for the fabrication of the fitting is present and that said software is designed such that the information gained from the identifier

will be taken into consideration for computation of the fitting to be fabricated and/or for the control of the machining device and/or will be used for documentation purposes (Column 5, Lines 43-59, Column 3, Lines 55-58 and Column 4, Lines 16-20)

With respect to claim 7:

- Wherein the identifier can be recognized by the measuring device as a bar code (Column 3, Lines 63-64)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Basler to use a three-dimensional data set as a template, as taught by Park, so the measurement can be accurately and simply performed (Page 2, Paragraph 0024).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Basler to provide measurement means that also recognize an identifier that provides information on the workpiece, as taught by Berlin, so all the properties can take place at the same location thereby a correct correlation of the properties with one another is produced (Column 2, Lines 62-65).

Allowable Subject Matter

3. Claims 2-5 and 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is an examiner's statement of reasons for allowance:

With respect to claim 2 and all its dependencies:

- A measuring device comprising means for measuring models for the fabrication of dental fittings that involves the production of a 3D data set as a template for 3D machining of a workpiece wherein the measuring means are also adapted to recognize an identifier that provides information on the workpiece by using a sensor to recognize an identifier in the form of differences in brightness on the workpiece

With respect to claim 3 and all its dependencies:

- A measuring device comprising means for measuring models for the fabrication of dental fittings that involves the production of a 3D data set as a template for 3D machining of a workpiece wherein the measuring means are also adapted to recognize an identifier that provides information on the workpiece by using a sensor to recognize an identifier in the form of differences in height located on the workpiece

With respect to claim 4 and all its dependencies:

- A measuring device comprising means for measuring models for the fabrication of dental fittings that involves the production of a 3D data set

as a template for 3D machining of a workpiece wherein the measuring means are also adapted to recognize an identifier that provides information on the workpiece wherein the means for the recognition of the identifier comprise a sensor that is adapted for distance measurement

With respect to claim 8 and all its dependencies:

- A measuring device comprising means for measuring models for the fabrication of dental fittings that involves the production of a 3D data set as a template for 3D machining of a workpiece wherein the measuring means are also adapted to recognize an identifier that provides information on the workpiece wherein the measuring device forms a component of a machining device for the fabrication of dental fittings from a workpiece that has a workholding device for the workpiece and wherein the workholding device is adapted to accommodate a model to be mapped or possesses another workholding device to accommodate a model to be mapped and wherein an identifier that contains information on the workpiece is provided on the workpiece or the workpieceholder and the recognition of the identifier workpiece that is held in the device is effected by the means of the measuring device

With respect to claim 10 and all its dependencies:

- A measuring device comprising means for measuring models for the fabrication of dental fittings that involves the production of a 3D data set as a template for 3D machining of a workpiece wherein the measuring

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means are also adapted to recognize an identifier that provides information on the workpiece wherein the measuring device forms a component of a machining device for the fabrication of dental fittings from a workpiece wherein the means for recognizing the identifier on the workpiece that is held in a workholding device are provided by the same measuring device used to measure the model

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristy A. Haupt whose telephone number is (571) 272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/17/06

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STEVEN S. PAIK
PRIMARY EXAMINER